UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,988	04/19/2001	Hideki Masudaya	9281-3982	8875

757	7590	07/27/2004

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EXAMINER
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ART UNIT	PAPER NUMBER
2675	

DATE MAILED: 07/27/2004

17

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _12 May 2004_.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-22_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-22_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   **Claim 1-22** are pending in this action.

Claim Rejections - 35 USC ' 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   **Claims 1-3, 5-7, 9-11, 13-15, 17, 19, 21** and **22** are rejected under 35 U.S.C. 103(a) as

being unpatentable over *Palalau* (U.S. 6,373,472) in view of *Brynielson* (U.S. 6,556,900).

Regarding **independent claims 1, 3, 9, 11, 21** and **22**, and for **claim 7**, Palalau teaches a

driver control interface for a vehicle wherein a plurality of function that correspond to a plurality

of electronic devices (column 1, lines 8-9, 52-60).

Furthermore, Palalau teaches a CPU 120 which controls the electronic devices (column 6,

lines 64 through column 7, line 6, figure 12a at 120).

Furthermore, Palalau teaches a warning graphic 98 for generating a warning graphic for

informing an operator of a mistaken action (column 5, lines 63 through column 6, line 3, figure 3

at 98).

Furthermore, Palalau teaches how the CPU 120 controls feature switches 28 and

numerous vehicle components such as engine operating information and electronic systems

(column 6, line 61 through column 7, line 6, figure 12a at 120). Also, Palalau teaches how the

warning graphic 98 would be displayed for a predetermined length of time or until the driver

acknowledges having seen the warning by feature group switch (column 5, line 63 through

column 6, line 3, figure 8 at 98).

However, Palalau does not teach a mistake or error counter for monitoring the operation

on the feature switches to count and store the number of mistakes on each of the feature

switches. On the other hand, Brynielson teaches this feature by teaching a device and system

for diagnosing errors and maintenance of vehicles and a method of storing information in the

form of signals from a control system in a vehicle, counters being used to record on repeated

occasions within which interval a signal is situated (column 1, lines 13-19).

Thus, it would have been obvious to a person of ordinary skill in the art to combine

Palalau and Brynielson because while Palalau teaches a driver control interface for a vehicle

wherein a plurality of function that correspond to a plurality of electronic devices (column 1,

lines 8-9, 52-60) wherein a warning graphic 98 would be displayed for a predetermined length

of time or until the driver acknowledges having seen the warning by feature group switch

(column 5, line 63 through column 6, line 3, figure 8 at 98), Brynielson teaches a device and a

system for diagnosing errors and maintenance of vehicle wherein signals are sampled and stored

(*see* Abstract, figures 3, 4, 6; column 1, lines 13-18). The motivation for combining these

inventions would have been to provide a device and a system for diagnosing errors and

maintenance of vehicle (column 1, lines 13-18).

Furthermore, Brynielson teaches how a mistake counter means (see figure 3 at 30)

determines that the preceding manual operation of the function switch is a mistake when another

function is manually operated within a predetermined period of time after any one of the function

switches has been manually operated, and increments the counted number of mistakes by

counting the preceding manual operation of the function switch as a mistake as a mistake by

teaching a device and a system for <u>diagnosing errors</u> and maintenance of vehicle wherein signals

are sampled and stored such that a <u>change of the signal in relation to a previous signal value is</u>

<u>measured</u>, and compared to the value, <u>and if the change is greater than the</u> **threshold value**,

<u>increasing the value of the counter</u> associated with this threshold value (*see* Abstract, figures 3,

4, 6, 8; column 1, lines 13-18).

Thus, it would have been obvious to a person of ordinary skill in the art to combine

Palalau and Brynielson because Palalau teaches a driver control interface for a vehicle wherein

a plurality of function that correspond to a plurality of electronic devices (column 1, lines 8-9,

52-60) wherein a warning graphic 98 would be displayed for a predetermined length of time or

until the driver acknowledges having seen the warning by feature group switch (column 5, line

63 through column 6, line 3, figure 8 at 98), Brynielson teaches a device and a system for

diagnosing errors and maintenance of vehicle wherein signals are sampled and stored such that

a change of the signal in relation to a previous signal value is measured, and compared to the

value, and if the change is greater than the threshold value, increasing the value of the counter

associated with this threshold value (*see* Abstract, figures 3, 4, 6; column 1, lines 13-18). The

motivation for combining these inventions would have been to provide a device and a system

for diagnosing errors and maintenance of vehicle (column 1, lines 13-18).

Regarding **claims 2, 5** and **6,** in further discussion of claim 1, Palalau teaches how an

electronic device selected by a function switch operated in a first action would be replaced with

another device assigned to another function switch (column 6, lines 4-35, figure 9a at 28a-f,

100a-f).

Regarding **claims 10, 13, 14** and **15** in further discussion of claims 9 and 11, Palalau

teaches how the CPU 120 controls feature switches 28 and numerous vehicle components such

as engine operating information and electronic systems (column 6, line 61 through column 7, line

6, figure 12a at 120). Also, Palalau teaches how the warning graphic 98 would be displayed for

a predetermined length of time or until the driver acknowledges having seen the warning by

feature group switch (column 5, line 63 through column 6, line 3, figure 8 at 98).

Regarding **claims 17** and **19**, in further discussion of claims 1 and 9, Palalau teaches how

the warning graphic 98 is an audio output device (column 5, lines 63-67, figure 8 at 50, 98).

4.   **Claims 4, 8, 12, 16, 18** and **20** are rejected under 35 U.S.C. 103(a) as being unpatentable

over *Palalau* (U.S. 6,373,472) in view of *Brynielson* (U.S. 6,556,900), as in claims 1, 3, 9 and 11

above, and further in view of *Hermann* (U.S. 5,270,689).

Regarding **claims 4, 8** and **12**, in further discussion of claims 3 and 11, the combination

of Palalau and Brynielson do not teach a second warning/notification signal. On the other hand,

Hermann teaches a warning/notification aid by means of providing an acoustic voice output

such as beeping noise to provide a vehicle user with an aid for the selection of the correct

function group or individual function (column 2, lines 22-28).

Thus, it would have been obvious to a person of ordinary to combine Palalau, Brynielson

and Hermann inventions because while the combination of Palalau and Brynielson teach an

error indicator and a warning graphic 98 for generating a warning graphic for informing an

operator of a mistaken action (column 5, lines 63 through column 6, line 3, figure 3 at 98),

Hermann teaches a warning/notification aid by means of providing an acoustic voice output

such as beeping noise to provide a vehicle user with an aid for the selection of the correct

function group or individual function (column 2, lines 22-28). The motivation for combining

these inventions would have been not only visual support to a user but also hearing support.

Regarding **claims 16**, in further discussion of claim 11, Palalau teaches how the CPU 120

controls feature switches 28 and numerous vehicle components such as engine operating

information and electronic systems (column 6, line 61 through column 7, line 6, figure 12a at

120). Also, Palalau teaches how the warning graphic 98 would be displayed for a predetermined

length of time or until the driver acknowledges having seen the warning by feature group switch

(column 5, line 63 through column 6, line 3, figure 8 at 98).

Regarding **claims 18** and **20**, in further discussion of claims 4 and 12, Palalau teaches

how the warning graphic 98 is an audio output device (column 5, lines 63-67, figure 8 at 50, 98).

Response to Arguments

5.   Applicant's arguments filed May 12, 2004 have been fully considered but they are not

persuasive.

With respect to independent claims 1, 3, 9, 11, 21 and 22, Applicant argues that Examiner

does not state whether Brynielson teaches Applicant's claimed feature of how the "mistake

counter means determines that the preceding manual operation of the function switch is a

mistake when another function is manually operated within a predetermined period of time after

any one of the function switches has been manually operated, and increments the counted

number of mistakes by counting the preceding manual operation of the function switch as a

mistake as a mistake." However, this aspect is clearly taught by Brynielson.

Specifically, Brynielson teaches a mistake counter means as shown in figure 3 at 30.

Furthermore, Brynielson teaches how the counter facilitates determining that the preceding

manual operation of the function switch is a mistake when another function is manually operated

within a predetermined period of time (threshold value) and increments the counted number of

mistakes by counting the preceding manual operation of the function switch as a mistake by

teaching a device and a system for **diagnosing errors** of vehicle wherein signals are sampled

and stored such that a <u>change of the signal in relation to a **previous signal value** is measured</u>,

and compared to the value, <u>and if the change is greater than the **threshold value**, **increasing the**</u>

value of the counter associated with this threshold value (*see* Abstract, figures 3, 4, 6, 8; column

1, lines 13-18). The methodology of accomplishing this task, which reads clearly on this aspect

of Applicant's claim, is also shown in figure 4.

Thus, it would have been obvious to a person of ordinary skill in the art to combine

Palalau and Brynielson because Palalau teaches a driver control interface for a vehicle wherein a

plurality of function that correspond to a plurality of electronic devices (column 1, lines 8-9, 52-

60) wherein a warning graphic 98 would be displayed for a predetermined length of time or until

the driver acknowledges having seen the warning by feature group switch (column 5, line 63

through column 6, line 3, figure 8 at 98), Brynielson teaches a device and a system for

diagnosing errors and maintenance of vehicle wherein signals are sampled and stored such that a

change of the signal in relation to a previous signal value is measured, and compared to the

value, and if the change is greater than the threshold value, increasing the value of the counter

associated with this threshold value (*see* Abstract, figures 3, 4, 6; column 1, lines 13-18). The

motivation for combining these inventions would have been to provide a device and a system for

diagnosing errors and maintenance of vehicle (column 1, lines 13-18).

As such, applicant's arguments are not persuasive.

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Uchendu O. Anyaso whose telephone number is (703) 306-5934.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve

Saras, can be reached at (703) 305-9720.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington,

VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Technology Center 2600 Customer Service Office whose telephone

number is (703) 306-0377.

Uchendu O. Anyaso

7/23/2004

CHANH NGUYEN
PRIMARY EXAMINER